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7  
8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2013 - 328

11 **JENNIFER LYNN PIONTKOWSKI**  
12 **107 Penny Lane**  
13 **Daphne, AL 36526**

**A C C U S A T I O N**

14 **Registered Nurse License No. 610556**

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
19 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
20 Consumer Affairs.

21 2. On or about December 11, 2002, the Board of Registered Nursing issued Registered  
22 Nurse License Number 610556 to Jennifer Lynn Piontkowski ("Respondent"). The Registered  
23 Nurse License expired on November 30, 2004, and has not been renewed.

24 **JURISDICTION**

25 3. This Accusation is brought before the Board of Registered Nursing ("Board"),  
26 Department of Consumer Affairs, under the authority of the following laws. All section  
27 references are to the Business and Professions Code ("Code") unless otherwise indicated.  
28

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

## STATUTORY PROVISIONS

5. Section 118, subdivision (b) of the Code provides, in pertinent part:

“(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.”

6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

7. Section 2761 of the Code provides, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

• • •

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action ...”

8. Section 2811, subdivision (b) of the Code provides:

“Each such license not renewed in accordance with this section shall expire but may within a period of eight years thereafter be reinstated upon payment of the biennial renewal fee and penalty fee required by this chapter and upon submission of such proof of

1 the applicant's qualifications as may be required by the board,  
2 except that during such eight-year period no examination shall be  
3 required as a condition for the reinstatement of any such expired  
4 license which has lapsed solely by reason of nonpayment of the  
5 renewal fee. After the expiration of such eight-year period the board  
6 may require as a condition of reinstatement that the applicant pass  
7 such examination as it deems necessary to determine his present  
8 fitness to resume the practice of professional nursing."

#### 6 **REGULATORY PROVISIONS**

7 9. California Code of Regulations, title 16, section, 1419.3 provides:

8 "In the event a licensee does not renew his/her license as provided  
9 in Section 2811 of the code, the license expires. A licensee  
10 renewing pursuant to this section shall furnish a full set of  
11 fingerprints as required by and set out in section 1419(b) as a  
12 condition of renewal.

13 (a) A licensee may renew a license that has not been expired for  
14 more than eight years by paying the renewal and penalty fees as  
15 specified in Section 1417 and providing evidence of 30 hours of  
16 continuing education taken within the prior two-year period.

17 (b) A licensee may renew a license that has been expired for more  
18 than eight years by paying the renewal and penalty fees specified in  
19 Section 1417 and providing evidence that he or she holds a current  
20 valid active and clear registered nurse license in another state, a  
21 United States territory, or Canada, or by passing the Board's current  
22 examination for licensure."

#### 18 **COST RECOVERY**

19 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
20 administrative law judge to direct a licensee found to have committed a violation or violations of  
21 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
22 enforcement of the case.

#### 23 **FIRST CAUSE FOR DISCIPLINE**

##### 24 **(Disciplinary Action by the Alabama Board of Nursing)**

25 11. Respondent is subject to disciplinary action under Code section 2761, subdivision  
26 (a)(4), on the grounds of unprofessional conduct in that Respondent's registered nurse license was  
27 disciplined by Alabama Board of Nursing ("Alabama Board").

28 12. On or about May 11, 2007, pursuant to the Findings of Fact, Conclusions of Law,

1 and Order issued by the Alabama Board, in the disciplinary action entitled, *In the Matter of:*  
2 *Jennifer Lynn Piontkowski, License No. 1-087365, Case No. 2006-0928*, the Alabama Board  
3 suspended Respondent's registered nurse license until such time that undergoes a  
4 psychiatric/mental health evaluation, complies with treatment recommendations, performs  
5 continuing education, and pays fees. Pursuant to the Order, once Respondent has complied with  
6 these terms, her license will be reinstated on probation for a period of two years. Further, the  
7 Order provided that in no event would the suspension period extend beyond twelve months of the  
8 effective date of the Order. In the event that this occurs, Respondent's license status would be  
9 considered revoked.

10 13. The basis for the discipline is that Respondent, while employed with Mercy  
11 Medical, Daphne, Alabama, engaged in unprofessional conduct as follows:

- 12 a. On June 27, 2006, Respondent failed to account for Ativan 1 mg suppository  
13 which she signed out for a resident at 9:00 a.m. and 1:00 p.m.. Additionally,  
14 another nurse had already signed out and administered Ativan 1 mg suppository at  
15 9:00 a.m. to the same patient. Respondent's 9:00 a.m. sign-out occurred out of  
16 sequence.
- 17 b. On June 26, 2006, Respondent falsified a patient's medical record when she wrote  
18 an order for speech therapy which had not been authorized by the physician.
- 19 c. On June 17 and 18, 2006, Respondent documented the provision of wound care  
20 which had not been provided.
- 21 d. Once June 1, 2006, Respondent was relieved of Charge Nurse responsibilities due  
22 to issues with physician communication errors and delays in the implementation of  
23 physician orders.
- 24 e. On August 21, 2005, Respondent was observed to be disheveled in appearance and  
25 was slow in speech and action following her arrival for duty. Respondent  
26 attributed these observations to having been in a car accident recently.
- 27 f. On July 13 and 14, 2005, Respondent documented the provision of wound care  
28 which had not been provided.

- 1 g. On January 26 and 27, 2004, Respondent failed to provide and document the  
2 provision of wound care to a patient.
- 3 h. On January 3, 2004, Respondent was observed demonstrating inappropriate and  
4 unprofessional conduct while on duty.
- 5 i. On June 13, 2003, Respondent was conferenced regarding her orientation progress  
6 and a work improvement plan was initiated.
- 7 14. On or about May 30, 2008, Respondent failed to obtain a psychiatric/mental health  
8 evaluation, comply with treatment recommendations, perform continuing education, and pay fees.  
9 Accordingly, the Alabama Board revoked Respondent's registered nurse license.

10 **SECOND CAUSE FOR DISCIPLINE**

11 **(Unprofessional Conduct)**

12 15. Respondent is subject to disciplinary action under Code section 2761, subdivision  
13 (a), in that Respondent committed acts of unprofessional conduct. The conduct is more  
14 particularly described in paragraphs 12, 13, subparagraphs (a)-(i), and 14, inclusive, above, and  
15 herein incorporated by reference.

16 **PRAYER**

17 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
18 and that following the hearing, the Board of Registered Nursing issue a decision:

- 19 1. Revoking or suspending Registered Nurse License Number 610556, issued to  
20 Jennifer Lynn Piontkowski;
- 21 2. Ordering Jennifer Lynn Piontkowski to pay the Board of Registered Nursing the  
22 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
23 Professions Code section 125.3; and

24 ///

3. Taking such other and further action as deemed necessary and proper.

DATED:

October 25, 2012

Anne Bern

LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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